

MAR 29 2024

UNITED STATES DISTRICT COURT

PER 
DEPUTY CLERK

for the

Middle District of Pennsylvania

Division

Case No. 1:24-CV-531-WIA
(to be filled in by the Clerk's Office)

Jeffrey Judka

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

"see attached"

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Jeffrey Judka</u>
Street Address	<u>95 Split Rock Drive</u>
City and County	<u>Delta</u>
State and Zip Code	<u>Pennsylvania</u>
Telephone Number	<u>717-429-2030</u>
E-mail Address	<u>Jeffrey.Judka@gmail.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

Name	Dennis Emmel
Job or Title (<i>if known</i>)	President Delta Cardiff Volunteer Fire Company
Street Address	319 Chestnut St
City and County	Delta, York County
State and Zip Code	Pennsylvania, 17314
Telephone Number	443-504-5321
E-mail Address (<i>if known</i>)	locksnsports@zoominternet.net

Defendant No. 2

Name	John Derek Macomber
Job or Title (<i>if known</i>)	CEO / Vice President
Street Address	211 Main St
City and County	Delta, York County
State and Zip Code	Pennsylvania, 17314
Telephone Number	410-459-4361
E-mail Address (<i>if known</i>)	cucumber35@gmail.com

Defendant No. 3

Name	Maxine Moul
Job or Title (<i>if known</i>)	Secretary
Street Address	211 Main St
City and County	Delta, York County
State and Zip Code	Pennsylvania, 17314
Telephone Number	717-515-1107
E-mail Address (<i>if known</i>)	mmmoul124@verizon.net

Defendant No. 4

Name	Christopher Eberly
Job or Title (<i>if known</i>)	Board Member
Street Address	800 Main Street
City and County	Delta, York County
State and Zip Code	Pennsylvania, 17314

Telephone Number	717-917-3673
E-mail Address <i>(if known)</i>	firefighter5757@gmail.com

Defendant No. 5

Name	Gregory Moul
Job or Title <i>(if known)</i>	Board Member
Street Address	211 Main St
City and County	Delta, York County
State and Zip Code	Pennsylvania, 17314
Telephone Number	717-515-1107
E-mail Address <i>(if known)</i>	gamoul@verizon.net

Defendant No. 6

Name	Chadwell Keesee
Job or Title <i>(if known)</i>	Board Member
Street Address	301 Chestnut St
City and County	Delta, York County
State and Zip Code	Pennsylvania, 17314
Telephone Number	717-858-4957
E-mail Address <i>(if known)</i>	commonguycards@yahoo.com

Defendant No. 7

Name	George Schruefer
Job or Title <i>(if known)</i>	Board Member
Street Address	200 Creamery Ave
City and County	Delta, York County
State and Zip Code	Pennsylvania, 17314
Telephone Number	717-456-5306
E-mail Address <i>(if known)</i>	georgeschruefer@yahoo.com

Defendant No. 8

Name	Michael Smith
Job or Title <i>(if known)</i>	Fire Chief
Street Address	43 Slate Spring Rd
City and County	Delta, York County
State and Zip Code	Pennsylvania, 17314

Telephone Number 717-870-7015
 E-mail Address (if known) msmittv57@zoominternet.net

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name Delta Cardiff Volunteer Fire Company
 Street Address 500 Main Street
 City and County Delta, York County
 State and Zip Code Pennsylvania, 17314
 Telephone Number 717-456-7133

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):

- ☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☐ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

- ☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☒ Other federal law (specify the federal law):
 42 U.S. Code § 1983 - Civil action for deprivation of rights

- ☒ Relevant state law (specify, if known):
 Pennsylvania Human Relations Act, 43 P.S. §§ 951-963, and the implementing regulations, 16 Pa. Code §§ 41.1-47.74.

- ☐ Relevant city or county law (specify, if known):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☐ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☐ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☒ Other acts *(specify)*: 1) 42 U.S. Code § 1983 - Civil action for deprivation of rights (R.S. § 1979; Pub. L. 96-170, § 1, Dec. 29, 1979, 93 Stat. 1284; Pub. L. 104-317, title III, § 309(c), Oct. 19, 1996, 110 Stat. 3853.) 2) 2 U.S. Code § 1311 - Rights and protections under title VII of Civil Rights Act of 1964. 3) Amdt14.S1.2.1 - Procedural Due Process

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)
August 14th, 2023, June 2023 through 2015

C. I believe that defendant(s) *(check one)*:

- ☒ is/are still committing these acts against me.
- ☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☐ race _____
- ☐ color _____
- ☐ gender/sex _____
- ☒ religion Judaism
- ☐ national origin _____
- ☐ age *(year of birth)* _____ *(only when asserting a claim of age discrimination.)*
- ☐ disability or perceived disability *(specify disability)* _____

E. The facts of my case are as follows. Attach additional pages if needed.

Defendants discriminated against the plaintiff based on the protected class of Religious Creed. The defendants suspended the plaintiff for 10 days and then demoted the plaintiff to the position of Fire Police Officer from First Police Lieutenant also barring him from voting or holding any position in the Fire Company for two years, without a proper hearing or due process depriving the plaintiff of rights, privileges, and immunities.

1. Plaintiff's religion is Judaism.
2. Plaintiff's belief is that there is one GOD who has established a covenant.
3. In 2015, Plaintiff's coworkers became aware of his religion.
4. From 2015 through June 2023, the President of the Board and Board members witnessed or participated in derogatory comments about the plaintiff's religion.
5. Comments made and witnessed, "Only a Jew" would think to say that. "That Jew is perfect for getting us money". On more than one occasion Plaintiff was asked how he felt about his ancestors killing Jesus.
6. When the plaintiff was injured in 2018 and collected a settlement, Chief Smith and several board members stated, "Just like a Jew to profit off of the injury."
7. From 2015 till June 2023. The plaintiff reported the many harassments to the Board Secretary Maxine, Christopher Eberly, George Schrufer, and the Board President with no actions taken.
8. In 2022 Mike Smith took over as the Chief creating a hostile work environment resulting in an increased risk of injury or death to the plaintiff.
9. On June 28, 2023, the plaintiff was accused of misconduct while in the performance of his duties.
10. On August 31, 2023, the plaintiff was suspended and demoted without a proper hearing or due process depriving the plaintiff of rights, privileges, and immunities.
11. PA regulations and law ("April 26, 1983, the order and decision of the Pennsylvania Human Relations Commission, No. E-15558, as amended, and No. E-15989, as amended, dated June 29, 1981, is affirmed." Harmony Vol. Fire. Co. v. Pa. H.R. Comm, 73 Pa. Commw. 596, 607 (Pa. Cmmw. Ct. 1983) has established that fire company volunteer shall be considered an employee.
12. United States Social Security Administration, RS 02101.260 Employment Status of Volunteer Firefighters section B. Volunteer Firefighters As Employees, Under the common law rules, volunteer firefighters are employees when they are subject to the will and control (i.e., how the firefighter will perform the work) of the person (or entity) for whom they perform services. A fire captain or a fire lieutenant supervises the volunteers. The rules on whether workers are common law employees or independent contractors are the same for firefighters as they are for other workers. Generally, volunteer firefighters are employees of the fire department or district where they provide services. Receipt of, or absence of the receipt of, payment for services does not alter the common law employment status of a volunteer firefighter. Et, al. See common-law control test, in RS 02101.020.

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

01/25/2024

- B. The Equal Employment Opportunity Commission *(check one)*:

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on *(date)* 02/13/2024 .

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

☐

60 days or more have elapsed.

☐

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

- 1) Reversal of all charges and suspensions concerning the Plaintiff.
- 2) The removal of all Delta Cardiff Volunteer Fire Company members in a position of authority related to this complaint.
- 3) A lifetime ban on holding a position of authority within the Delta Cardiff Volunteer Fire Company.
- 4) All legal and administrative fees related to his complaint be reimbursed to the plaintiff.
- 5) A stipend of \$10 a year paid to the plaintiff for fifteen years.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically, so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: MARCH 26, 2024

Signature of Plaintiff

Printed Name of Plaintiff Jeffrey Judka



J. Judka
95 Split Rock Dr
Delta, PA 17314

RECEIVED
HARRISBURG, PA

MAR 29 2024

PER DEPUTY CLERK



7022 1670 0001 7889 9777

Retail



RDC 99



17102

U.S. POSTAGE PAID
FCM LETTER
DELTA, PA 17314
MAR 26, 2024

\$5.80

R2305E124500-33

Sylvia H. Rambo
United States Courthouse
1501 North 6th Street
Harrisburg, PA 17102
Attn: Clerks Office

